

REMARKS/ARGUMENTS

Claims 1, 2, 4-14, 16-30, 32-34, 36-39, and 41 remain pending. Claims 1, 2, 4-14, 16-30, 32-24, 36-39, and 41 stand rejected. Claims 3, 15, 31, 35, and 40 are objected to as being dependent upon a rejected base Claim, but would be allowable if rewritten in independent form including all of the limitations of the base Claim and any intervening Claims. Claims 1, 9, 13, 29, 33, and 38 are amended herein, to include the features of Claims 3, 15, 31, 35, and 40. Claims 3, 15, 31, 35, and 40 are cancelled herein without prejudice. No new matter has been added herein as a result of the amendments.

Amendments to the Claims

Claim 1 is amended to reflect the following (Claims 9, 13, 29, 33, and 35 include similarly amended features):

A method of servicing content for delivery to a client device, said method comprising:

identifying a type of service to be performed on an item of content, wherein said item of content is identified during a session involving said client device;

selecting a provider from a plurality of providers capable of performing said service, said selecting comprising:

maintaining a record of providers to which sessions have been transferred;
selecting said provider according to said record; and

estimating an amount of time said session is expected to remain with said provider, wherein said record is updated once said amount of time has passed; and
providing information for transferring said session to said provider, wherein said provider performs said service on said item of content.

Support for these amendments can be found at least in Claims 3, 15, 31, 35, and 40.

Claim Objections

The Office Action mailed October 20, 2008 (hereinafter, “instant Office Action”) states that, “Claims 3, 15, 31, 35, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims” (instant Office Action, page 13, section 6). Applicants have rewritten Claims 3, 15, 31, 35, and 40 in independent form including all of the limitations of the base claim and any intervening Claims. More particularly, independent Claims 1, 9, 13, 29, 33, and 38 are amended herein to include the features of the Claims objected to and any intervening Claims. Therefore, Applicants respectfully submit that Claims 1, 9, 13, 29, 33, and 38 are in condition for allowance as including the features of the Claims objected to and any intervening Claims.

Claims Rejections

35 U.S.C. § 102(b) Rejection

The Office Action mailed October 20, 2008 (hereinafter, “instant Office Action”) states that Claims 1, 2, 4-12, 33, 34, 36-39, and 41 are rejected under 35 U.S.C. §102(b) as being anticipated by Antony Pranata, “Development of Network Service Infrastructure For Transcoding Multimedia Streams”, Master Thesis at University of Stuttgart, Germany, May 2002 (hereinafter, “Pranata”). The Applicants have reviewed Pranata and respectfully submit that the

features recited in Claims 1, 2, 4-12, 33, 34, 36-39, and 41 are not anticipated by Pranata. The rejection is respectfully traversed for the following rationale.

As already stated herein, page 13, section 6 of the instant Office Action states that “Claims 3, 15, 31, 35, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” Applicants respectfully note that Claim 1 (Claims 9, 13, 29, 33, and 38 include similarly amended features) is accordingly amended herein to include the features of Claim 3 (Claims 9, 13, 29, 33, and 38 also were amended to include features similar to Claim 3).

Therefore, Applicants’ respectfully submit that Claim 1 overcomes the 35 U.S.C. §102(b) rejection and is in condition for allowance. Applicants also respectfully submit that Claims 9, 13, 29, 33, and 38 are also in condition for allowance for the same rationale as was described in regards to Claim 1. Additionally, Applicants respectfully submit that Claims 2 and 4-8 depending on Claim 1, Claims 10-12 depending on Claim 9, Claims 14 and 16-28 depending on Claim 13, Claims 30 and 32 depending on Claim 29, Claims 34-37 depending on Claims 33, and Claims 39 and 41 depending on Claim 38 are in condition for allowance as being dependant upon allowable base Claims.

35 U.S.C. §103(a) Rejections

The instant Office Action states that Claims 13, 14, 16-30, and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pranata in view of Janik, et al. (U.S. Patent

Publication No. 2002/0013852 A1) (hereinafter, “Janik”). Applicants have reviewed Pranata and Janik and respectfully submit that Claims 13, 14, 16-30, and 32 are patentable over Pranata in view of Janik for at least the following rationale.

As already stated herein, page 13, section 6 of the instant Office Action states that “Claims 3, 15, 31, 35, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” Applicants respectfully note that Claim 1 (Claims 9, 13, 29, 33, and 38 include similarly amended features) is accordingly amended herein to include the features of Claim 3 (Claims 9, 13, 29, 33, and 38 also were amended to include features similar to Claim 3).

Therefore, Applicants’ respectfully submit that Claim 1 overcomes the 35 U.S.C. §103(a) rejection and is in condition for allowance. Applicants also respectfully submit that Claims 9, 13, 29, 33, and 38 are also in condition for allowance for the same rationale as was described in regards to Claim 1. Additionally, Applicants respectfully submit that Claim 14 depending on Claim 13, Claims 17-28 depending on Claim 16, Claims 30 and 32 depending on Claim 29 are in condition for allowance as being dependant upon allowable base Claims.

CONCLUSION

In light of the above-listed remarks and amendments, Applicants respectfully request allowance of Claims 1, 2, 4-14, 16-30, 32-34, 36-39, and 41.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNERBLECHER, LLP

Date: December 15, 2008

/John P. Wagner, Jr./

John P. Wagner, Jr.
Registration No. 35,398

Wagner Blecher LLP

123 Westridge Drive
Watsonville, CA 95076
(408) 377-0500